

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

MICHAEL BROWN, on behalf of himself and
all others similarly situated,

Plaintiff,

-against-

GOOGLE, LLC, and GOOGLE
PAYMENT CORP.,

Defendants.

8:20-cv-1311
(BKS/DJS)

**DEFENDANTS' RESPONSE TO PLAINTIFF'S REQUEST FOR COURT
CONFERENCE**

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Attorneys for Defendants
Google LLC and Google Payment Corp.

Pursuant to the Court's Order (ECF No. 28), Google LLC and Google Payment Corp. (collectively, "Google") submit this response to Plaintiff's Request for Conference to stay the case pending the Judicial Panel on Multidistrict Litigation ruling to transfer cases (ECF No. 24).

As the Court is aware, Google filed a reply in support of its Motion to Dismiss (ECF No. 27) in which it asked the Court to rule on the Motion without further delay. However, since the filing of that pleading on April 2, 2021, circumstances have meaningfully changed. Among other things, counsel for Plaintiff have re-filed two cases in New Mexico and Mississippi, initiated a new action in Ohio, and have indicated that they will file at least one more in Tennessee. All of these lawsuits against Google contain the same general allegations and seek the same general recovery.

Given these significant new developments, Google now agrees that transfer and consolidation of this action and the other related lawsuits filed by Plaintiff's counsel under the federal multidistrict litigation statute, 28 U.S.C. § 1407, is appropriate. Google further agrees that this action should be stayed pending the resolution of Plaintiff's motion for MDL consolidation.

Dated: New York, New York
April 23, 2021

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